UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,211	08/29/2005	Harold Meis	GOTZF 145	8625

2555   7590   03/31/2008
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EXAMINER
DUNCAN, MARC M

ART UNIT	PAPER NUMBER
2113	

NOTIFICATION DATE	DELIVERY MODE
03/31/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *29 August 2005*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-30* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-5,7,12-15,17 and 18* is/are rejected.

7) ☒ Claim(s) *6,8-11,16 and 19-30* is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *29 August 2005* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All b) ☐ Some * c) ☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *8/29/05*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Status of the Claims

Claims 1-3, 7 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by

Papadopoulos et al. (6,061,603).

Claims 12, 13 and 15 rejected under 35 U.S.C. 103(a) as being unpatentable

over Papadopoulos in view of Microsoft.

Claims 4, 5, 14 and 18 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Papadopoulos.

Claims 6, 8-11, 16 and 19-30 are objected to.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 7 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by

Papadopoulos et al. (6,061,603).

Regarding claim 1:

Papadopoulos teaches:

a computer network (Fig. 1) for the configuration, installation, monitoring, error

diagnosis and/or error analysis of plural technical-physical electric drive processes,

which run under the control, regulation and/or monitoring by plural process computer

nodes (col. 2 lines 51-54), which are connected via at least one shared communication

system (col. 4 lines 43-47) to at least one diagnosis computer node (col. 3 lines 52-62)

in which one or more configuration, monitoring, diagnosis service(s) and/or function(s)

are implemented, which are allocated to the processes and/or the process computer

nodes (4) and/or to the data processing operations running therein, characterized in that

the shared communication system is realized by an Ethernet or another bus or

communication system operating asynchronously and/or with a stochastic access

method (col. 4 lines 43-47).

Regarding claim 2:

Papadopoulos teaches:

characterized in that a communication unit or computer node is interconnected

between the Ethernet or other bus or communication system and at least one of the

process computer nodes (4) and connects the process computer node (4) to the

Ethernet or other bus or communication system (col. 4 lines 28-37).

Regarding claim 3:

Papadopoulos teaches:

characterized in that the communication unit or communication computer node

(5) is formed for enquiry-based or event-based communication with the diagnosis

computer node (col. 4 lines 28-37).

Regarding claim 7:

Papadopoulos teaches:

characterized in that for each data exchange each communication unit is

allocated a process computer node (4) and/or a technical-physical process or each

communication computer node (5) is allocated at least one technical-physical process

or a process computer node (col. 4 lines 28-37).

Regarding claim 17:

Papadopoulos teaches:

a communication computer node (col. 4 lines 28-37) or communication unit as a

software and/or firmware module, connected to a computer network (Fig. 1) for

configuration, installation, monitoring, error diagnosis and/or analysis of plural technical-

physical electric drive processes, which run under control, regulation and/or monitoring

by plural process computer nodes (col. 2 lines 51-54), which are connected via at least

one shared communication system (col. 4 lines 43-47) to at least one diagnosis

computer node (col. 3 lines 52-62) in which one or more configuration, monitoring,

diagnosis services and/or functions are implemented which are allocated to the

processes and/or the process computer nodes (4) and/or to the data processing

operations running therein, said shared communication system being realized by an

Ethernet or other bus or communication system operating asynchronously and/or with a

stochastic access method (col. 4 lines 43-47) characterized by the communication

computer node or communication unit comprising a first interface which is allocated to

the at least one diagnosis computer node and which is programmed for communication

via protocols of the TCP/IP family, including UDP/IP (col. 4 lines 43-47), and by one or

more second interfaces allocated to one or more of the process computer nodes (Fig. 1

and col. 4 lines 43-47), wherein the first and the one or more second interfaces may be

coupled together via one or more information brokers, which are each formed by

program and/or circuit technology as sub-units for bidirectional enquiry-based and/or

event-based data communication between the first and second interface.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in Graham v. John Deere Co., 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating
   obviousness or nonobviousness.

Claims 12, 13 and 15 rejected under 35 U.S.C. 103(a) as being unpatentable

over Papadopoulos in view of Microsoft.

Regarding claim 12:

Papadopoulos teaches:

a diagnosis computer node (col. 3 lines 52-62) connected to a computer network (Fig. 1), which utilizes a structure corresponding to a client/server architecture (col. 4 lines 28-29), for configuration, installation, monitoring, error diagnosis and/or analysis of plural technical-physical electric drive processes, which run under control regulation and/or monitoring by plural process computer nodes (col. 2 lines 51-54), said computer network comprising at least one communication computer node (col. 4 lines 28-37), wherein said diagnosis computer node is formed as a server (col. 3 lines 52-62) with interfaces for communication with the communication and/or process computer nodes and other client computer nodes (col. 3 lines 52-62), wherein interfaces to the other client computer nodes are formed as Servlet containers (Figs. 1 and 2), which provide transmission of diagnosis data obtainable from the interfaces for communication with the communication and/or process computer nodes to the client nodes (col. 3 lines 52-62), and the one or more interfaces to the communications and/or process computer nodes or communication units are realized on the basis of the Ethernet (col. 4 lines 43-47), characterized by a diagnosis channel, which is formed by:

one or more Ethernet interfaces allocated to the communication and/or process computer node (col. 4 lines 43-47) and

an event monitoring unit applied on the basis of the Servlet container, which makes available output data from an event management unit to one or more Applets on external client computer nodes (col. 3 lines 52-62 and col. 4 lines 11-29).

Papadopoulos does not explicitly teaches an event management unit with database access, which is formed for processing the diagnosis data obtained at the Ethernet interfaces. Papadopoulos does, however, teach a web server for processing diagnosis data for transfer to client nodes.

Microsoft teaches a database (page 129).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine a database, as taught by Microsoft, with the web server teaching of Papadopoulos.

One of ordinary skill in the art at the time of invention would have been motivated to make the combination because the addition of a database as taught by Microsoft allows the web server to realize its function of collecting and transferring the data to the client nodes by allowing the web server to stored the collected data.

Regarding claim 13:

Papadopoulos teaches:

characterized in that a web server for generating and forwarding data obtained from HTML pages by the Servlet container is connected downstream of the Servlet container (Fig. 2 and col. 3 lines 52-62).

Regarding claim 15:

Papadopoulos teaches:

characterized by a communication unit installed by program or software

technology in such a manner that thereby one or more of the process computer nodes

can be connected to the Ethernet or other bus communication system (col. 4 lines 28-37

and lines 43-47).

Claims 4, 5, 14 and 18 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Papadopoulos.

Regarding claims 4, 14 and 18:

See the teachings of Papadopoulos with respect to claims 1, 12 and 17 above.

Papadopoulos does not explicitly teach the use of XML. Papadopoulos does,

however, teach a web server using standard Internet and Ethernet protocols.

The examiner takes official notice that XML was well known to those of ordinary

skill in the art at the time of invention.

It would have been obvious to one of ordinary skill in the art at the time of

invention to combine the use of XML with the data transfer teachings of Papadopoulos.

One of ordinary skill in the art at the time of invention would have been motivated

to make the combination because XML allows data transfer between diverse systems

simply and easily and is structured, extensible and language independent.

Regarding claim 5:

Papadopoulos teaches:

characterized in that the communication unit is capable of running entirely or in part on the hardware of the process computer node and/or diagnosis computer node (col. 4 lines 28-37).

Allowable Subject Matter

Claims 6, 8-11, 16 and 19-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Duncan whose telephone number is 571-272-3646. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on 571-272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marc Duncan/
Primary Examiner, Art Unit 2113